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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,021	03/23/2004	Valentin Luca	P-2528	2246

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PAUL A. FATTIBENE
FATTIBENE & FATTIBENE
2480 POST ROAD
SOUTHPORT, CT 06890

EXAMINER

JACKSON, ANDRE L

ART UNIT

PAPER NUMBER

3677

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/807,021	Applicant(s) LUCA, VALENTIN	
	Examiner Andre' L. Jackson	Art Unit 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 13 and 14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 15-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/23/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of Species I in the reply filed on January 11, 2006 is acknowledged. The traversal is on the ground(s) that the species I and species II is directed to essentially the same invention and further, the search for species I claims and species II claims are overlapping and are inherently connected. This is not found persuasive because species II does not require any of the features disclosed in claim 1 or 15 of species I to be self maintained and operated. In particular, species II may be utilized within a vehicle flap (trunk or hood), cabinet, gate or other rotating or pivoting structure. Further, while the search for species I and II may have similar search requirements, the search for species II is much more broader in scope than species I as evidenced by the different environment(s) of use of species II as indicated above. Therefore, the requirement is still deemed proper and is therefore made FINAL.

Claims 13 and 14 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species II, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on January 11, 2006.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-12 and 15-19 are rejected under 35 U.S.C. 102(b) as being anticipated by USPN 3,143,757 to Quinn. Quinn discloses a door closer comprising;

a door (7, 5) having a predetermined thickness, the door having one edge thereof adapted for being hingedly connected to a door frame (2) for swinging between an open and closed position; means defining a horizontally disposed chamber (open space between 7,5) formed within the thickness of the door; the chamber being disposed in communication with an opening formed in the edge of the door (4); a support bracket (28) adapted for connection to the door frame disposed in alignment with the opening formed in the edge of the door; a door closer disposed in the chamber; a piston (33) displaceably mounted within a cylinder (10); a piston rod (34) connected to the piston; the piston rod having a free end (36) extending through one end of the cylinder; a spring means (31) interposed between the piston and the end of the cylinder; means for mounting the door closer within the chamber to the door and to the support bracket, whereby the cylinder and the piston with the connected piston rod is rendered rotatable relative to one another.

As to claims 5, 6 and 7, the means for rotatably supporting the cylinder within the door chamber includes a support bracket (15) connected to the door, a cylinder extension means (13) including a sleeve portion (16).

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As to claims 4, 8, 10, 16, 18 and 19 an interconnecting link (27) has one end pivotally connected to the cylinder and having another interconnecting link (19) end pivotally connected to support bracket (15).

As to claims 12 and 17, wherein the chamber is disposed in communication with another opening formed in an edge of the door (3) opposite the one edge to provide access to the door closer within the chamber.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tutikawa, Anderson and Bruns disclose concealment closers, which may be used in combination or singly to meet the limitations claimed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre' L. Jackson whose telephone number is (571) 272-7067.

The examiner can normally be reached on Mon. - Fri. (9:30 am - 6 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

André L. Jackson
Patent Examiner
AU 3677

ALJ


ROBERT J. SANDY
PRIMARY EXAMINER